

DATE: November 28, 2016
TO: RMC Governing Board
FROM: Mark Stanley, Executive Officer
SUBJECT: Item 7A: Executive Officer's Report- Legislation and Initiatives

For full text and history of bills and initiatives, visit these web sites:

Federal Bills: <https://www.congress.gov>
State Bills: <http://www.leginfo.ca.gov/>

LA COUNTY UPDATE

MEASURE A: Safe, Clean Neighborhood Parks, Open Space, Beaches, Rivers Protection, and Water Conservation Measure. To replace expiring local funding for safe, clean neighborhood/ city/ county parks; increase safe playgrounds, reduce gang activity; keep neighborhood recreation/ senior centers, drinking water safe; protect beaches, rivers, water resources, remaining natural areas/ open space; levy of 1.5 cents annually per square foot of improved property in Los Angeles County, with bond authority, requiring citizen oversight, independent audits, and funds used locally.

This measure was overwhelmingly approved by the required 2/3 supermajority of votes on November 8, 2016 by 73.48%, or 1,568,781 votes.

MEASURE M: Los Angeles County Sales Tax

To improve freeway traffic flow/safety; repair potholes/sidewalks; repave local streets; earthquake retrofit bridges; synchronize signals; keep senior/disabled/student fares affordable; expand rail/subway/bus systems; improve job/school/airport connections; and create jobs; shall voters authorize a Los Angeles County Traffic Improvement Plan through a ½ ¢ sales tax and continue the existing ½ ¢ traffic relief tax until voters decide to end it, with independent audits/oversight and funds controlled locally?

Approval of Measure M ("Measure") would adopt an ordinance known as the Los Angeles County Traffic Improvement Plan ("Ordinance") proposed by the Los Angeles County Metropolitan Transportation Authority ("Metro"), which placed this Measure on the ballot by resolution dated June 23, 2016. The Ordinance would impose a retail transactions and use tax ("Sales Tax") at the rate of one-half of one percent (.5%) within Los Angeles County ("County"), beginning on the first day of the first calendar quarter commencing not less than 180 days after adoption of the ordinance. The Sales Tax will increase to one percent (1%) on July 1, 2039, when the Measure R tax of one-half of one percent (.5%) tax imposed by Metro by Ordinance number 08-01 expires. The Sales Tax is in addition to any other taxes authorized by law. The Sales Tax has no expiration date.

This measure was overwhelmingly approved by the required 2/3 supermajority of votes on November 8, 2016 by 69.79% of votes, or 1,594,427 voters that voted yes.

STATE LEGISLATION
Current as of 11/17/16

The following is the status of legislative bills that were passed by the Senate and Assembly and signed by the Governor.

SB 1374 (Lara D) The Lower Los Angeles River Recreation and Park District.

Introduced: 2/19/2016

Status: 8/30/2016-Assembly amendments concurred in. (Ayes 29. Noes 7.) Ordered to engrossing and enrolling.

Location: 8/30/2016-S. ENROLLMENT

Summary: Would specifically authorize the establishment of the Lower Los Angeles River Recreation and Park District, by petition or resolution submitted to the Los Angeles County Local Agency Formation Commission before January 1, 2019, subject to specified current laws governing recreation and park districts, including their formation, except as provided. The bill would authorize specified city councils and the Los Angeles County Board of Supervisors to appoint the initial board of directors of the district.

AB 197 (Garcia, Eduardo D) State Air Resources Board: greenhouse gases: regulations.

Introduced: 1/28/2015

Status: 8/24/2016-Enrolled and presented to the Governor at 5:45 p.m.

Location: 8/24/2016-A. ENROLLED

Summary: Current law establishes the State Air Resources Board consisting of 14 members and vests the state board with regulatory jurisdiction over air quality issues. This bill would add 2 Members of the Legislature to the state board as ex officio, nonvoting members. The bill would provide that the voting members of the state board are appointed for staggered 6-year terms and upon expiration of the term of office of a voting member, the appointing authority may reappoint that member to a new term of office, subject to specified requirements. The bill would require the state board to establish the initial staggered terms.

AB 1550 (Gomez D) Greenhouse gases: investment plan: disadvantaged communities.

Introduced: 1/4/2016

Status: 8/31/2016-In Assembly. Concurrence in Senate amendments pending. Assembly Rule 63 suspended. Senate amendments concurred in. To Engrossing and Enrolling.

Location: 8/31/2016-A. ENROLLMENT

Summary: Current law requires the Department of Finance, in consultation with the State Air Resources Board and any other relevant state agency, to develop, as specified, a 3-year investment plan for the moneys deposited in the Greenhouse Gas Reduction Fund. This bill would require the investment plan to allocate (1) a minimum of 25% of the available moneys in the fund to projects located within, and benefiting individuals living in, disadvantaged communities, (2) an additional minimum of 5% to projects that benefit low-income households or to projects located within, and benefiting individuals living in, low-income communities located anywhere in the state, and (3) an additional minimum of 5% either to projects that benefit low-income households that are outside of, but within a 1/2 mile of, disadvantaged communities, or to projects located within the boundaries of, and benefiting individuals living in, low-income communities that are outside of, but within a 1/2 mile of, disadvantaged communities.

AB 2651 (Gomez D) Greenway easements.

Introduced: 2/19/2016

Status: 8/30/2016-Urgency clause adopted. Senate amendments concurred in. To Engrossing and Enrolling.

Location: 8/30/2016-A. ENROLLMENT

Summary: The Greenway Development and Sustainment Act defines various terms for purposes of the act, including "greenway," to mean certain types of travel corridors that, among other requirements, incorporate an array of amenities for users of the corridor and nearby communities, and "greenway easement," to mean a limitation in a deed, will, or other instrument for the purpose of developing greenways adjacent to urban waterways. The act provides that a recorded greenway easement constitutes an enforceable restriction for purposes of certain property tax provisions. This bill would instead require a greenway to incorporate an array of amenities only within an urbanized area, as defined.

AB 2722 (Burke D) Transformative Climate Communities Program.

Introduced: 2/19/2016

Status: 8/31/2016-In Assembly. Concurrence in Senate amendments pending. Assembly Rule 63 suspended. Senate amendments concurred in. To Engrossing and Enrolling.

Location: 8/31/2016-A. ENROLLMENT

Summary: Would create the Transformative Climate Communities Program, to be administered by the Strategic Growth Council. The bill would require the council to award competitive grants to specified eligible entities for the development and implementation of neighborhood-level transformative climate community plans that include greenhouse gas emissions reduction projects that provide local economic, environmental, and health benefits to disadvantaged communities, as defined. The bill would require the council to develop guidelines and selection criteria for the implementation of the program.

SB 32 (Pavley D) California Global Warming Solutions Act of 2006: emissions limit.

Introduced: 12/1/2014

Status: 8/26/2016-Enrolled and presented to the Governor at 12:30 p.m.

Location: 8/26/2016-S. ENROLLED

Summary: Would require the State Air Resources Board to ensure that statewide greenhouse gas emissions are reduced to 40% below the 1990 level by 2030. This bill contains other related provisions.

SB 859 (Committee on Budget and Fiscal Review) Public resources: greenhouse emissions and biomass.

Introduced: 1/7/2016

Status: 8/31/2016-Assembly amendments concurred in. (Ayes 25. Noes 11.) Ordered to engrossing and enrolling.

Location: 8/31/2016-S. ENROLLMENT

Summary: The Cannella Environmental Farming Act of 1995 requires the Secretary of Food and Agriculture to convene a 5-member Scientific Advisory Panel on Environmental Farming, as prescribed, for the purpose of providing advice and assistance to federal, state, and local government agencies on issues relating to air, water, and wildlife habitat, as specified. Current law authorizes the panel to establish ad hoc committees to assist the panel in performing its functions. This bill would increase the number of members on the panel from 5 to 9 members and would require that the secretary appoint 5 instead of 3 of these members, the Secretary for Environmental Protection appoint 2 instead of one of these members, and the Secretary of the Natural Resources Agency appoint 2 instead of one of these members, as prescribed.

FEDERAL LEGISLATION **1**GOP considers reversals of rules; Trump seeks nominees**

While rumors swirl about possible candidates for important offices in a Trump administration, Congressional Republicans are focusing on a strategy for revoking Obama administration regulations.

Already on the books is a Congressional Review Act that authorizes Congress to revoke any rule enacted within the last 60 “legislative days.” According to an analysis by the Van Ness Feldman law firm, that could include any regulation issued as early as May 30 of this year.

Separately, on November 17 the House approved new legislation (HR 5982) that would allow Congress to revoke any rule issued during the last year.

(There is virtually no chance HR 5982 will be enacted this year because President Obama would veto it if the bill came to his desk. However, Congress may want to try again next year to retroactively go after Obama administration rules.)

House Natural Resources Committee Chairman Rob Bishop (R-Utah) last week told recreation industry officials that he believed a proposed NPS Director’s Order #100 now in preparation would be subject to the Congressional Review Act. (See previous article.)

Other likely candidates would be new Park Service and Fish and Wildlife Service rules regulating oil and gas development by holders of pre-existing mineral rights.

President Obama still has a few weapons at hand. He can always complete new regulations and hope that the next Republican Congress somehow doesn’t muster enough support to shoot them down.

And he has the authority under the Antiquities Act of 1906 to designate national monuments.

Reportedly on his monuments list are a Bears Ears National Monument in southern Utah, a Gold Butte National Monument in southern Nevada, a Greater Grand Canyon Heritage National Monument in northwestern Arizona and an expansion of the Cascade-Siskiyou monument in southern Oregon.

Obama has designated or enlarged 26 national monuments including a dozen in western states. For instance on July 9, 2015 he designated a 704,000-acre Basin and Range National Monument in Nevada and on May 21, 2014, he established a 500,000-acre Organ Mountains-Desert Peaks National Monument in New Mexico.

Already, the Trump team is circulating names for a possible secretary of the Interior. Reportedly, the lead candidate is Forrest Lucas, founder of Lucas Oil Products, a manufacturer of oil products.

Other candidates for Interior secretary mentioned by the Politico website include former Alaska Gov. Sarah Palin (R-Alaska); former Arizona Gov. Jan Brewer (R-Ariz.); Oklahoma Gov. Mary Fallin (R-Okla.); Wyoming Rep. Cynthia Lummis (R-Wyo.); and Oklahoma oilman Harold Hamm.

¹ Federal Parks & Recreation Bulletin #11: November 21, 2016

An unusual candidate for an Interior Department slot is President-elect Trump's son, Donald Trump, Jr. An avid hunter, he has in the past expressed interest in either the position of secretary of Interior or director of the Park Service. However, it is difficult to believe young Trump would want to give up management of the Trump economic empire from New York City for the daily grind of a government overseer.

A veteran of the federal lands wars, Myron Ebell, will serve as a key member of the Trump transition team in charge of selecting personnel to manage EPA. Ebell, a global warming skeptic, worked most recently at the Competitive Enterprises Institute and was a staffer for the American Land Rights Association group for five years.

Little is being said about substantive outdoor policy from the Trump administration. The one thing Trump does advocate is energy development, particularly from the federal lands. He promises to unleash oil, gas, coal and oil shale producers on the public lands.

Indirectly, perhaps, park and recreation programs could get a foothold with a Trump administration \$1 trillion infrastructure program that would include surface transportation.

There is precedent. On Dec. 4, 2015, President Obama signed into law surface transportation legislation (PL 114-94) that includes significant recreation spending over the next five years.

In one major provision of PL 114-94 Congress effectively retained a broad category of spending that finances park and rec programs called the Transportation Alternatives Program. Congress renamed the initiative a Surface Transportation Block Grant Program and set aside \$835 million for it in this fiscal year and the next fiscal year. After that it would receive \$850 million per year.

The law also insures that the Recreational Trails Program, one of the individual programs that would draw money from the block grant program, continues to receive a guaranteed \$85 million per year.

In a second overarching provision the law sets aside \$335 million in fiscal 2016 for federal land roads, with \$268 million of that going to the National Park Service. By fiscal 2020 the federal lands allocation would increase to \$375 million and the NPS share \$300 million. In addition the bill establishes a Federal Lands Access Program for major road projects beginning at \$250 million in fiscal 2016 and growing to \$270 million in fiscal 2020.

Lame-duck session under the gun after quiet week

In the first week of a compressed lame-duck session of Congress, the House and Senate last week made no public progress on the mountain of must-pass legislation facing them.

Congress won't be in session this week because of Thanksgiving. That leaves two weeks at the end of this month and the beginning of December to complete two years worth of legislation.

Two high priority outdoor initiatives remain - a monster fiscal year 2017 spending continuing resolution (CR) and an omnibus energy bill (S 2012) with important Land and Water Conservation Fund and Park Service Centennial provisions.

Last week appropriators didn't complete a draft of the CR and conferees on S 2012 did not complete a draft of a final report.

So the heavy lifting has been postponed.

Also on the docket, Congress will try to move a Department of Defense Authorization Act with important federal land provisions. A version of a bill (HR 4909) approved by the House May 18 would validate Utah county and state claims to 6,000 miles of RS 2477 rights-of-way across federal lands.

Finally, Congress may complete a huge water resources bill (HR 5303) that includes a \$2 billion Everglades restoration project called the Central Everglades Planning Project. The legislation is now in a House-Senate conference committee.